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6 **UNITED STATES DISTRICT COURT**  
7 **SOUTHERN DISTRICT OF CALIFORNIA**  
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9 HASSIE MEGRAVE,

10 Petitioner,

11 vs.

12 DIRECTOR OF THE CALIFORNIA  
DEPARTMENT OF CORRECTIONS,

13 Respondent.

CASE NO. 11-CV-2573

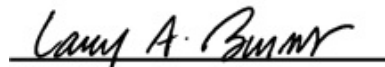
**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

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15 Megrave filed a § 2254 habeas petition on November 3, 2011. After receiving a  
16 notice from the Court regarding a possible failure on his part to exhaust his claims in state  
17 court, Megrave filed a motion for voluntary dismissal of his unexhausted claims on  
18 December 29, 2011. On January 30, 2012, Magistrate Judge Lewis issued a Report and  
19 Recommendation suggesting that Megrave's motion be granted and that his habeas petition  
20 be dismissed without prejudice. Respondent subsequently filed a notice of non-opposition.

21 The Court **ADOPTS** the R&R in its entirety. Megrave's motion for voluntary dismissal  
22 of his unexhausted claims is **GRANTED**, and his petition is **DISMISSED WITHOUT**  
23 **PREJUDICE**. Respondent needn't file an answer to Megrave's petition at this time.

24 **IT IS SO ORDERED.**

25 DATED: May 15, 2012

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28 **HONORABLE LARRY ALAN BURNS**  
United States District Judge